

EXCERPTS

MINUTES YORK COUNTY PLANNING COMMISSION

Work Session
York Hall – East Room
October 29, 2003

Members

Nicholas F. Barba
John R. Davis
Frederick W. Harvell
Alexander T. Hamilton
Robert D. Heavner
Alfred E. Ptasznik, Jr.
Andrew A Simasek

(Staff attending: Maggie Costello, Tim Cross, Anna Drake, Al Maddalena, Amy Parker, Joe Sisler, Mark Carter)

Chairman Simasek called the meeting to order at 6:30. All members were present.

Chesapeake Bay Preservation Area Regulations

Mr. Carter explained that the Chesapeake Bay Local Assistance Board (CBLAD) has amended the regulations, which local governments must implement, and that changes to the provisions contained in the York County Zoning Ordinance are necessary in order to conform to the revised state regulations. He said the state-imposed deadline for adoption is December 31st and noted that the issue is only now coming to the Commission because CBLAD did not adopt the final policy guidance until September 15th. He noted that most of the changes being proposed are mandatory in order to conform the County's ordinance to the state regulations. Some changes are recommended to improve organization and for clarification, and in a few cases there are alternative approaches that could be taken. He said that Joe Sisler and Anna Drake from the Department of Environmental and Development Services would discuss the recommended changes and respond to questions.

Anna Drake, Manager of Environmental Programs, and Joe Sisler, Manager of Engineering Services, provided a thorough description of the changes to Section 24.1-372 of the Zoning Ordinance that are being recommended. Ms. Drake noted that the most significant change that CBLAD is requiring deals with perennial streams and that the new regulations mandate that an RPA buffer be imposed along any stream or water body that is subject to perennial flow. As a result, the scope of coverage of the Chesapeake Bay regulations will expand considerably in York County. She provided examples of some new areas that will become subject to the regulations and described some of the impacts on property owners. She also noted that the new provisions will increase the staff

workload considerably since many more field inspections and site consultations will be necessary. Ms. Drake and Mr. Sisler noted that additional staff resources will be needed.

Ms. Drake explained several of the optional provisions being recommended, including the proposal to require an offset from the RPA equal to the applicable yard requirement for newly created lots and the proposal to include a civil penalties clause. The Commission concurred with both of these recommendations, noting that the setback offset would ensure that future lot owners would have a usable lot area, and that the civil penalties clause would serve as an effective deterrent to violations.

Ms. Drake noted that there were still some minor adjustments that need to be made to the draft and that those would be incorporated in the version included in the November 12th agenda package.

The Commission commended Ms. Drake and Mr. Sisler for their very thorough briefing and explanation of the proposed amendment.